

# **EXHIBIT A**

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		<b>SUMMONS</b>	<b>CASE NO.</b> 21-16876-NI <b>Hon. Christopher S. Ninomiya</b>
Court address 839 10th Avenue Menominee, MI 49858		Court telephone no (906) 863-9968	
Plaintiff's name(s), address(es), and telephone no(s). Joseph Lerret Ardis Lerret 1408 West Drive Menominee, MI 49858		Defendant's name(s), address(es), and telephone no(s). Rodolfo Estrada Castillo 1015 Reagan Drive, Laredo, TX 78046 and Salba Logistics LLC 8915 McPherson Road, Apartment 26, Laredo Texas 78045	
Plaintiff's attorney, bar no., address, and telephone no. Andrew J. Schwaba/Schwaba Law Firm (P-80014) 962 First Street, PO Box 512 Menominee, MI 49858 Telephone: 906.424.4661		Date: 5-4-2021 @ 6:51 PM Roxana Gonzalez	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk. **Expires: 6/30/2022**

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS****NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 04/16/2021	Expiration date 07/16/2021	Court clerk Thomas D. [Signature]
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**SUMMONS**

Case No. 21-16876-NI

**PROOF OF SERVICE**

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_

List all documents served with the summons and complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time
_____	_____	_____
_____	_____	_____
_____	_____	_____

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Signature: \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on \_\_\_\_\_  
Day, date, time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

STATE OF MICHIGAN  
MENOMINEE COUNTY CIRCUIT COURT

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JOSEPH LERRET,

AND

ARDIS LERRET

Plaintiffs,

CASE NO.: 21-16876-NI

v

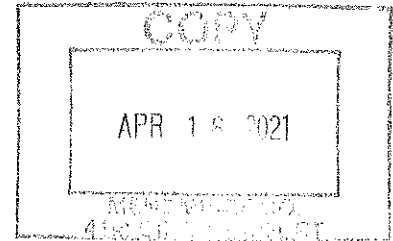
HON. CHRISTOPHER S. NINOMIYA

RODOLFO ESTRADA CASTILLO

AND

SALBA LOGISTICS LLC

Defendants.



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Andrew J. Schwaba (P80014)  
SCHWABA LAW FIRM LLC  
Attorneys for Plaintiff  
962 First Street  
Menominee, MI 49858  
Telephone: 906-424-4661

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There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

**COMPLAINT AND JURY DEMAND**

Plaintiff alleges and states as follows:

**Common Allegations**

1. Plaintiff, Joseph Lerret is resident of Menominee County, Michigan.
2. Plaintiff, Ardis Lerret is resident of Menominee County, Michigan.

3. Defendant, Rodolfo Estrada Castillo is a resident of Laredo, Texas.
4. Defendant Salba Logistics, LLC is a limited liability corporation organized and registered in the State of Texas with a principal place of business at 8915 McPherson Road, Apartment 26, Laredo Texas 78045.
5. This accident occurred and jurisdiction exists in this court because of an automobile collision that occurred on March 11, 2021 at approximately 3:00 PM at the intersection of Range Line Road and Birch Creek Road in the Township of Menominee, Menominee County Michigan.
6. The amount in controversy exceeds twenty-five thousand dollars (\$25,000.00).

**Count I - Negligence**

Plaintiffs incorporate the common allegations by reference.

7. Defendant Rodolfo Estrada Castillo operated the vehicle owned by Defendant Salba Logistics LLC. Defendant Salba Logistics LLC expressed or implied consent at the time of the collision.
8. When the collision occurred, Plaintiff, Joseph Lerret was operating a vehicle southbound on Range Line Road approaching the intersection with Birch Creek Road in Menominee Township, Michigan.
9. At that time and place, Defendant Rodolfo Estrada Castillo, operating his vehicle in the course and scope of his employment with Salba Logistics LLC was operating his semi-truck vehicle westbound on Birch Creek Road approaching the intersection with Range line Road when he failed to stop at a stop sign governing the intersection with Range Line Road, and/or failed to yield the right of way to vehicular traffic on Range Line Road and struck the Plaintiff.
10. Defendants, Rodolfo Estrada Castillo and Salba Logistics LLC owed Plaintiff the following duties of care:

- (a) to operate the motor vehicle on the roadway in a manner and at a rate of speed that would permit it to be stopped within a safe distance, MCLA 257.627(1), MSA 9.2327[1];
- (b) not to drive the vehicle carelessly and heedlessly with willful and wanton disregard for the safety and rights of others, MCLA 257.828(a), MSA 9.2326[a];

- (c) to keep the vehicle constantly under control;
- (d) to drive the vehicle on the roadway with due diligence and circumspection and to not endanger or be likely to endanger other persons or property, MCLA 257.626b, MSA 9.2326(2);
- (e) to slow down to a speed that would allow Defendant, Rodolfo Estrada Castillo to stop for a stop sign that governed his travel along Birch Creek Road;
- (f) to stop for a stop sign on westbound Birch Creek Road at the intersection with Range Line Road, MCLE 257.611, 257.612 and 257.649;
- (g) to yield to traffic on Range Line Road which was not governed by a stop sign;
- (h) to properly maintain, inspect and repair the semi-truck he was operating at the time of the aforementioned collision.

11. As a direct and proximate result of Defendant, Rodolfo Estrada Castillo's breach of these duties, the collision occurred, and the injuries set forth below resulted.
12. As a direct and proximate result of the Defendant, Rodolfo Estrada Castillo's negligence, Plaintiff, Joseph Lerret, suffered serious permanent bodily injuries which constitute a serious impairment of body function and/or permanent or serious disfigurement, and an aggravation of any preexisting conditions, and include, but not exclusively, the following:
  - (a) serious injuries to his legs, arms, shoulders, a brain injury and other parts of Plaintiff, Joseph Lerret's body;
  - (b) pain, suffering, and mental anguish;
  - (c) other damages, injuries, and consequences that are found to be related to the automobile accident that developed during the course of discovery, to the extent that such damages are recoverable under the Michigan No-Fault Insurance Act.

**Count II – Negligent Entrustment**

Plaintiff incorporates by reference Paragraphs 1 through 12.

13. Defendant, Salba Logistics LLC is, and was at all relevant times, the lawful owner of the vehicle driven by Defendant Rodolfo Estrada Castillo and at all times material operated his vehicle with the full permission and consent of Defendant, Salba Logistics LLC, to operate the vehicle.
14. At all times material, Defendant, Salba Logistics LLC, knew or in the exercise of ordinary care, should have known, that Defendant Rodolfo Estrada Castillo, was likely to operate the vehicle in a manner that was careless, reckless, or incompetent manner that would create an unreasonable risk of harm to others.
15. Despite having knowledge that the operation of the vehicle by Defendant, Rodolfo Estrada Castillo was likely to create an unreasonable risk of harm to others, Defendant, Salba Logistics LLC negligently entrusted his vehicle to Defendant, Rodolfo Estrada Castillo, who operated the vehicle so as to cause a collision with the Plaintiff, as set forth in Count I above.
16. As a direct and proximate result of the negligent entrustment of Defendant Salba Logistics LLC, the Plaintiff, Joseph Lerret, has suffered serious permanent bodily injuries which constitute a serious impairment of body function and/or permanent or serious disfigurement, and an aggravation of any preexisting conditions, and include, but not exclusively, the following:
  - (a) serious injuries to his legs, arms, shoulders, and other parts of Plaintiff's body;
  - (b) pain, suffering, and mental anguish;
  - (c) other damages, injuries, and consequences that are found to be related to the automobile accident that developed during the course of discovery, to the extent that such damages are recoverable under the Michigan No-Fault Insurance Act.

**Count III – Loss of Consortium, Society and Companionship**

Plaintiff incorporates by reference Paragraphs 1 through 16.

17. Plaintiff Ardis Lerret ("Mrs. Lerrett") is, and was at all pertinent times hereto, the lawful spouse of

Plaintiff, Joseph Lerret.

18. As a direct and proximate result of the injuries to Plaintiff Joseph Lerret, Plaintiff Ardis Lerret has been required to do additional household chores and tasks, has incurred additional expenses, and has sustained damages to the usual and normal husband-wife relationship, otherwise known as loss of consortium.

WHEREFORE, Plaintiffs request that this Court award damages against the Defendant, in whatever amount they are found to be entitled in excess of \$25,000, plus interest, costs, and attorney fees. Plaintiffs further request an award for punitive and/or exemplary damages and to grant such other and further relief as is consistent with law which this Honorable Court deems just and proper.

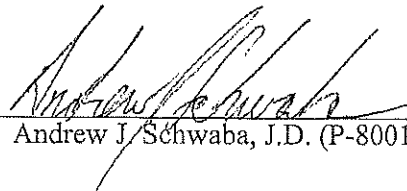
**JURY DEMAND**

Plaintiffs demand a trial by jury.

Dated this 15<sup>th</sup> day of April, 2021.

SCHWABA LAW FIRM, LLC

By: \_\_\_\_\_

  
Andrew J. Schwaba, J.D. (P-80014)

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